



# A & D JOURNAL

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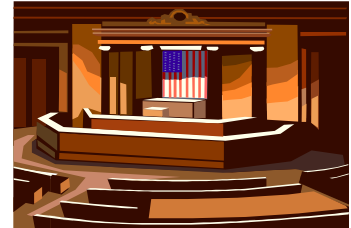
## ANOTHER LEGISLATIVE VICTORY

The 2002 session of the Indiana General Assembly was primarily focused on addressing the state's fiscal concerns, so the Indiana Judicial Center is especially pleased to announce the passage of CADPAC's latest legislative agenda in the form of Senate Bill 343. While often referred to as "the drug court bill" this bill also contains a number of provisions that should prove helpful to court alcohol and drug programs.

In an astonishing show of support for the work of the court alcohol and drug programs and drug courts, not a single legislator voted against the bill as it moved through each stage of the legislative process. Unanimous votes for SB 343 reflected the thorough preparation and enthusiastic presentations of authors **Senators Tom Wyss and Bill Alexa**, and sponsors **Representatives Mike Dvorak, John Ulmer, and Mae Dickinson**. The bill also benefited from the skilled testimony of **Judge Barbara Brugnaux** at the Senate hearing and of **Judge Wayne Trockman** at the hearing in the House of Representatives.

On March 28, 2002, **Governor Frank O'Bannon** signed Senate Enrolled Act 343 into law. Identified now as Public Law 168, the bill takes effect July 1, 2002. The bill benefited from high profile support from Chief Justice Randall T. Shepard, whose address to the legislature on "The Changing Nature of Courts" prominently showcased drug courts and other problem solving courts. The bill also had support from the Indiana Addictions Issues Coalition, the Public Defender Council, and the Prosecuting Attorney's Council.

Due to careful work by the Legislative Subcommittee of the Ad-Hoc Committee on Drug Court Oversight, few changes were made to the bill as it went through the legislative process. That subcommittee included **Judge Wayne Trockman, Judge Barbara Brugnaux, Judge Kenneth Todd**, and program director **Art Kozumplik**.



### Provisions Affecting Court A&D Programs

Court alcohol and drug programs will be interested to note that the bill amends the definition of "Alcohol and drug services program" in IC 12-7-2-12 to include service to persons charged with or convicted of a felony. It also adds a new definition of "Chemical test" at IC 12-7-2-26.5 (similar to the one used in the probation statute), and adds a new section IC 12-23-14-18 that authorizes periodic chemical tests such as a UDS as a condition of participating in a court A & D program and allows the program to charge a separate fee for each test.

The bill amends IC 12-23-14-6 to update the list of services provided by a court alcohol and drug program to reflect more closely the actual services provided. For example, instead of "diagnostic evaluation and assessment" the statute now refers to "clinical assessment, service coordination and case management."

New immunity provisions that were initially developed for the new drug court chapter were also added to the court alcohol and drug program chapter. New section IC 12-23-14-19 states that a person does not have a right to participate in an alcohol and drug services program and provides program directors and staff who perform duties in good faith with immunity from civil liability for acts and omissions in providing services and for the reasonable exercise of discretion in determining eligibility to participate in the program.

Continued on Page 2

## Statutory Acknowledgement of Drug Courts

The primary focus of SB 343 is the creation of IC 12-23-14.5, a new chapter of the code devoted specifically to drug courts. The new chapter tracks closely the language of IC 12-23-14, which governs court alcohol and drug programs, but with some significant differences.

As of July 1, 2002, the new statute permits a court with felony, misdemeanor, or juvenile jurisdiction to establish a drug court and to establish rules related to the drug court. The statute designates IJC as the state agency to certify drug courts and requires a court to notify the IJC of its intent to establish a drug court during the planning stages and get IJC approval of the drug court's operation. A drug court in operation before July 1, 2002, may continue to operate pending certification, provided the drug court notifies IJC and follows procedures for certification set out in rules.

Substantively, perhaps the most significant change as a result of the legislation is that drug courts can resume the practice of entering a conviction prior to assigning a defendant to drug court and withholding judgment during the defendant's period of drug court participation. Most courts had suspended this practice after the *Lighty* decision had indicated that specific statutory authority was required before a judge could withhold judgment. The new section IC 12-23-14.5-15 outlines a procedure that will allow drug court judges to resume that practice. The new drug court chapter also describes eligibility criteria for participating in a drug court and permits a drug court to charge a user fee of up to \$500.

If you have questions about SB 343 or wish to get a copy of it, please contact Cheri Harris at the Indiana Judicial Center.

C.H.



**Just a Thought**

**"Live your life so that your autograph is wanted,  
not your fingerprints."**

- Unknown

## CONFIDENTIALITY WORKSHOPS CLARIFY ISSUES

In December 2001, IJC hosted two one-day workshops on "Confidentiality In Substance Abuse Cases" conducted by Anita Marton of the Legal Action Center.

Cheri Harris has prepared a more detailed article about the workshops, which is *enclosed with this newsletter*. The article covers some of the information provided at the workshops and has been formatted as a separate page for easy reference.

Additional trainings on confidentiality are under consideration for the 2003 Annual Meeting. In the mean time, contact Cheri Harris, at IJC, for confidentiality information.

### AA & the 1<sup>ST</sup> AMENDMENT

A March 1997 Columbia Law Review article by Michael G. Honeymar, Jr. entitled, "*AA as a Condition of Drunk Driving Probation: When does it amount to Establishment of Religion?*", was recently received by IJC. It makes for interesting reading.

### Contents . . .

Legislative Update	Pg. 1
More Legislative Update	Pg. 2
Confidentiality Workshops	Pg. 2
Educational Happenings	Pg. 3
Certification	Pg. 4
CADPAC News	Pg. 5
Editorial	Pg. 5
Technology Today	Pg. 6
Progress Notes	Pg. 7
Did You Know???	Pg. 8
Calendar Highlights	Pg. 8
Contact the IJC	Pg. 8



## EDUCATION HAPPENINGS



### 4<sup>th</sup> Annual Meeting – Best Ever

A record number of participants attended the 4<sup>th</sup> Annual Meeting of Court A&D Programs, held March 14-15, 2002 at the Indianapolis Marriott North Hotel in Indianapolis, and was considered the best ever by CADPAC Chair, Judge James Rieckhoff (Elkhart). “Great topics, great sessions, great speakers, great location” he stated during closing ceremonies. “It is truly amazing how the IJC staff improves the meeting every year,” the judge later added. The 2-day meeting featured 19 timely workshops in 5 breakout sessions in a very modern hotel. Bill Carey, Program Administrator, credited the meeting’s success to the significant work of staff member Donna Durr, along with that of staff members Lori Amsbury, Cheri Harris, and many Program Directors and staff members, who volunteered their services in various ways. “This was a team effort and a team success by a cast of many. We’ll work at making it even better next year,” stated Carey. **Thanks to all participants & workers!**

B.C.

### 5<sup>th</sup> Annual Meeting Being Planned

Maintaining the momentum of excellent annual meetings, the IJC staff and CADPAC Education Subcommittee has begun planning the next annual meeting for March 2003. A change in meeting dates from the second week in March to the first week in March is being considered to reduce conflict with some spring break holidays. A decision should be made soon and notices will be sent out. D.D.

## GRANT HAPPENINGS

### SAMHSA Announces Grant Opportunities For Established Drug Courts

SAMHSA has recently announced new and existing grant opportunities that may be of assistance to established drug courts. Interested courts should view the SAMHSA website: [www.samhsa.gov](http://www.samhsa.gov) and search grant # TI-02-008 (Grant Program to Provide Treatment Services to ...Drug Courts) and grant # PA-00-001 (Targeted Capacity Expansion Grant). Mr. Bruce Fry at SAMHSA is the program coordinator. He can be reached at (301) 443-0128 or email: [bfry@samhsa.gov](mailto:bfry@samhsa.gov).

### Education Sub-committee Meets

In the aftermath of extensive comment in March and April by programs concerning proposed revisions of Education Standards, the Education Sub-committee met on April 19<sup>th</sup> and May 10<sup>th</sup> with IJC staff and ironed out what appears to be an acceptable revision to the standards. Upon review and approval by the sub-committee of the revised proposals, IJC will again coordinate them with all programs. No timetable has been set for draft approval or coordination.

In other action by the sub-committee, it agreed with IJC to move staff orientation from a W-F to a T-TH format and to seek additional instructors for the orientation. Program members interested in being an instructor should contact Lori Amsbury at IJC.

B.C.

### What Training would you like to see?

IJC and the Education Sub-committee is interested in hearing from you regarding training subjects. Please send your recommendations on topics and speakers to Bill Carey.

### IJC Requests Criminal Justice Institute Grant

With the signing of SB 343, IJC has been informed by the Indiana Criminal Justice Institute that it will try to find grant funding for the Court A&D Program to provide oversight of and support to Indiana’s Drug Courts. A June 2002 announcement is expected. B.C.

# CERTIFICATION

## CORNER

### WELCOME NEW PROGRAMS –

A hearty WELCOME is extended to each of our new court programs:

<b>Gibson Superior Court</b>	<b>Whitley Superior Court</b>	<b>Noble Superior Court</b>	<b>Kosciusko Superior Ct.</b>
Hon. Earl Penrod Ms. Joy Jines	Hon. Michael Rush Mr. Scott Kruse	Hon. Michael Kramer Ms. Zoyla Cruz	Hon. James Jarrette Ms. Lori Calmus

**Congratulations** to the following programs who had successful certification reviews in the period of **January – April 2002**:

**County**

Greene  
St. Joseph  
Tippecanoe

**Supervising Judge**

Judge J. David Holt  
Judge Roland Chamblee Jr.  
Judge Laura Zeman

**Program Director**

Ms. Laura Lindsteadt  
Mr. Mahlon Wise  
Ms. Cindy Houseman

#### 2002 Scheduled Certification Reviews

June 4-5      Jennings  
July 10-11    Delaware  
July 18-19    Fulton

#### Fall 2002 - Tentative Reviews

**August**

Cass  
Clinton

**September**

Howard  
Knox  
Clark

**October**

Lake  
Boone  
Elkhart

**November**

Vigo      Monroe  
Floyd    Lawrence

**December**

Marion  
Wabash

#### Staff Orientation

**Staff Orientation** is once again coming up – August 6-8, 2002. We are very excited that what was originally a request from the program directors for some basic information for new staff has blossomed into a three-day orientation of new staff. We have had over 20 participants in each cycle and are conducting the training twice a year – once in the spring and fall. As comments have come in we have expanded the orientation from 1 ½ days to almost three full days. We have had two program directors attend, who as a result are now sending all their staff, old and new, through the orientation. This is a fabulous response to our wonderful instructors. As always, we are in need of program directors that would like to instruct in one of the sessions. Please contact Lori Amsbury if you are interested

#### CSAMS Update

Well, we are still coming along with the CSAMS (Court Substance Abuse Management Specialist) credential. We are currently talking to ICAADA to deal with any collaborative issues and the workgroup is expending vast amounts of energy to make sure that all your comments and suggestions are thoroughly discussed. Penny Waggy is head of this workgroup and is endeavoring to make this a positive process. After the Annual Meeting, the program comments were taken back to the workgroup and they have no set timetable for a recommendation to the Certification Sub-committee or for another public comment. They just want to take their time and get this right. Good Wishes to all the committee members on this project.

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The project to set up capability to gather statistics is in full swing. Indiana University and Hudson Institute have partnered with the Indiana Judicial Center to build the capacity for Court Alcohol and Drug Programs throughout the state to have county and state statistics. So far an Access statistical database has been developed based on the variables that programs and staff felt would be beneficial to capture. We have held trainings in Indianapolis, South bend, Vincennes and Bloomington to train staff and directors to use the database and to customize some variables based on program need. We have one more training scheduled – June 25<sup>th</sup> in Indianapolis. Contact Lori Amsbury to get on the schedule if you are not already.

--Lori Amsbury

### CADPAC discusses Drug Courts, New Rules, Certification, Education and Latino issues

By Bill Carey

The quarterly meeting of CADPAC was held on May 17<sup>th</sup> and dealt with a full array of agenda topics. The new Drug Court statutes were discussed and the Ad Hoc Committee will provide a plan to assist IJC in transitioning to oversight of Drug Courts starting July 1<sup>st</sup>. The annual review of program rules was conducted with some changes made to Sections 1-29. Work on revision of Sections 30 and 31 is on-going and will be finalized later in the year. Updates on work by certification, education and policy sub-committees covered many ongoing projects. A special presentation on Latino/Hispanic Issues by Juana Watson, Director, Su Casa in Columbus and our first Latino A&D Program Director, Zoyla Cruz of Noble Superior Court provided enlightening information.

*Happy Anniversary*  
**CADPAC**



### - EDITORIALS -

CADPAC (the Court Alcohol and Drug Program Advisory Committee) is celebrating its fifth anniversary in 2002 under the leadership of its Chair, Judge James W. Rieckhoff (Elkhart), and 8 of the original 11 members. Judges Barbara Brugnaux (Vigo), James Detamore (Boone), Robert Hublar (Floyd), and William Sleva (Lawrence) join program representatives Linda Brady (Monroe), Debra Farmer (Marion), Art Kozumplik (Howard) and Linda Murawski (Knox) in five years of service to CADPAC. These committee members have brought thoughtful oversight and foresight to the many changes made to court programs, in their transition from executive branch to judicial branch oversight. They have been the steady influence in assisting and directing IJC in its collaborative oversight of programs. Many thanks and congratulations are extended to these CADPAC members and newer members Denise Benjamin (Lake), Judge Wayne Trockman (Vanderburgh), Judge Raymond Kirtley (Montgomery) and Judge Z. Mae Jimison (Marion).

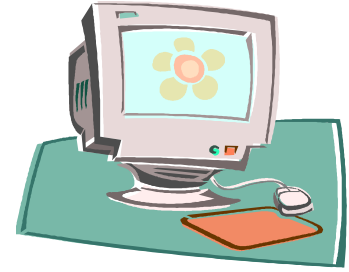
B.C.

### *Change Happens*

As certain as death and taxes, we can expect *Change* to be a constant in our programs. State and county governments are constantly fighting it but having to embrace it. While many people favor routine and despise *Change*, others seek it out as a remedy for the old tiresome ways of the past. Technology has brought about *Change* and many county auditors and county clerks are the recipients (some might say victims) of it. Our court A&D programs also have had to deal with *Change* in the form of updated standards in assessment, professional status, education and case management. Some program members are against some of these changes, while others see it as a long overdue need. Whatever our feelings are toward it, *Change* is all around us. A positive attitude will help us keep our perspective as we deal with the *Changes* we are bound to encounter.



# TECHNOLOGY TODAY



## **ANNOUNCING: IJC has a Website**

The Indiana Judicial Center has a WEBSITE that can be accessed through:

**[www.in.gov/judiciary/center](http://www.in.gov/judiciary/center)**

The Court Alcohol and Drug Program is the first program developed under the agency's website. Visit the Court Alcohol and Drug Program for information and announcements. For information concerning the Court Alcohol and Drug Program website contact Donna Durr at IJC or by email: [ddurr@courts.state.in.us](mailto:ddurr@courts.state.in.us). B.C.

### **- Technological Addresses -**

"What's your email address?" is a common question in today's world. The A&D Program Staff wanted to share their addresses with you:

Lori Amsbury: [lamsbury@courts.state.in.us](mailto:lamsbury@courts.state.in.us)

Bill Carey: [bcarey@courts.state.in.us](mailto:bcarey@courts.state.in.us)

Donna Durr: [ddurr@courts.state.in.us](mailto:ddurr@courts.state.in.us)

Cheri Harris: [charris@courts.state.in.us](mailto:charris@courts.state.in.us)

Remember our **Website** is easily accessed thru:  
**[www.in.gov/judiciary/center/cadp](http://www.in.gov/judiciary/center/cadp)**

### ***JTAC To Include Court A&D Programs***

Kurt Snyder, Director and Counsel of Trial Court Technology, is looking forward to working with the individuals involved in the Court Alcohol and Drug Programs throughout the state as part of JTAC's efforts to bring 21<sup>st</sup> century technology to our justice system. "JTAC has requested the statistics used by Court A&D Programs to get a better understanding of our needs," stated Lori Amsbury. Improved statistical reporting is just one of many benefits of the new system. "For the success of the JTAC initiative, it will be important to include ALL stakeholders in the process – early and often", Snyder said.

## **DRUG COURTS on the WEB**

In preparation of IJC oversight of Drug Courts starting July 1, 2002, information of interest to Drug Courts has been added to the Indiana Judicial Center Court Alcohol & Drug Program website. As this program expands, current and additional information will be added.

Check the website at:

**[www.in.gov/judiciary/center/cadp](http://www.in.gov/judiciary/center/cadp)**  
**click on Drug Courts.**

Contact Donna Durr with additional information of interest to Drug Court Programs.

## **TECHNOLOGY MOVES INTO THE FUTURE**

Now that the A&D website is available, we will begin to provide more and more information via the Website. This should help with budget expenses for mailing and faxing. A few Programs are not yet using internet access and may want to contact JTAC (Kurt Snyder) and IJC (Bill Carey) for help and/or information.

## **COURTS IN THE CLASSROOM PROGRAM CREATED -**

**Webcasts** has been established to help teachers educate students about the legal system. Chief Justice Randall Shepard has announced that Webcasts has also been popular among lawyers and news organizations. "It's turned out to be a very flexible tool that meets the needs of a variety of users," he said.

To access the Webcasts, go to:

**<http://www.in.gov/judiciary/webcast.html>**.

To access Courts in the Classroom go to:

**<http://www.in.gov/judiciary/education>**

### PRIME for Life - Indiana



The latest training was completed on May 3<sup>rd</sup> in Columbus. This brings the total number of trained instructors to 147.

The next **2-Day Skill Building** training is scheduled for **June 26 & 27** at the Marriott East Hotel in Indianapolis. **Program Directors** – please make sure all of your trained instructors have attended a Skill Building training. This is part of the on-going education offered by PRIME and is a necessary part of instructor certification. When you have contract providers that have taken the PRIME training, they should take the Skill Building as well. Be sure they are notified of the dates and have registered to attend. If you need the registration information, please email: [ddurr@courts.state.in.us](mailto:ddurr@courts.state.in.us). Contact Donna if you have any questions. If you have the registration form, complete the information and fax it to (317) 233-3367. Space is limited so get your registration in as soon as possible.

A **full week training** on PRIME for Life-Indiana is scheduled for **October 21-25**, held at the Ramada Inn in Lebanon, Indiana. Contact Donna for registration information.

### Survey Conducted on PRIME Courses

IJC has conducted an initial survey in regards to the PRIME Pilot Program. A two-part survey on PRIME's 20-hour and 12-hour courses was sent to programs that started teaching these courses by January 2002. Initial results show very favorable results and satisfaction with these courses. Results of the survey are being tabulated and will be updated this summer. Programs will be provided results of the survey when available.

### INDIANA ADDS OTHER PRIME COURSES

**The use of PRIME for Life - Indiana curricula is expanding beyond the 20-hour advanced substance abuse (SA) education program recently introduced in Indiana.**

Some Program Directors of Indiana's Court Alcohol and Drug Program have implemented a 12-hour PRIME for Life course of instruction to replace their 8-hour basic substance abuse (SA) course, which is required for first time or low-risk DUI/DWI offenders. The reasoning was that the new 12-hour course includes a self-assessment module and offers key components of the popular PRIME for Life - Indiana 20-hour advanced SA course that both students and instructors enjoy. Many A&D program directors expressed frustration with the old 8-hour curriculum and felt it to be ineffective in changing attitudes of offenders. However, that frustration seems to be eliminated among the programs using the new 12-hour curriculum. Both students and instructors are praising the new curriculum. If you would like to contact programs using this curriculum, contact Vic Parker (Bartholomew Co), Roxann Justus (LaPorte Co), and Dean Wilson (Montgomery Co) to name a few.

**CIRC/ICAADA invites  
PRIME for Life – Indiana to present on  
Friday, September 20, 2002**

PRIME will provide an education program to the Central Indiana Regional Chapter of ICAADA. Members have indicated an interest in becoming more familiar with the PRIME for Life - Indiana persuasion mindset and terminology in order to help clients that have completed PRIME education sessions transition into treatment.

The program will be held at the Community Counseling Centers, located at Keystone & W. 55<sup>th</sup> Place (NE corner). Time: 8:30 a.m. – 5:00 p.m. Breaks & Lunch will be included in the \$25.00 fee. Space is limited, please reserve early.

*Anyone interested in attending should contact  
Louise Polanski at (317) 232-7841 or by email  
[lpolansky@fssa.state.in.us](mailto:lpolansky@fssa.state.in.us)*

# DID YOU KNOW



## CALENDAR HIGHLIGHTS 2002

? Judge G. Michael Witte has started an Adult Drug Court in Dearborn County.

? Tippecanoe Court A&D Program has over 500 graduates of the PRIME for Life-Indiana course. They are teaching with in-house instructors Judy Stout & Jim LeBorys.

? We have new Program Directors:

<b>Fountain &amp;</b>		
<b>Warren Co.</b>	–	<b>Marshall Crawford</b>
<b>Bartholomew</b>	–	<b>Lori Cochran</b>
<b>Carroll Co.</b>	–	<b>Tobyn R. Linton</b>
<b>Gibson Co.</b>	–	<b>Joy Jines</b>
<b>Greene Co.</b>	–	<b>Laura Lindsteadt</b>
<b>Kosciusko Co.</b>	–	<b>Lori Calmus</b>
<b>Noble Co.</b>	–	<b>Zoyla Cruz</b>
<b>Parke</b>	–	<b>Mike Shelton</b>
<b>Wabash Co.</b>	–	<b>Ralph Cousins</b>
<b>Whitley Co.</b>	–	<b>Scott Kruse</b>



Please send your comments, suggestions, topics, editorials, letters, promotions, recognition, etc.  
We want to share your information.

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115 West Washington St., Suite 1075  
Indianapolis, IN 46204-3424  
Attn: Donna Durr – or email [ddurr@courts.state.in.us](mailto:ddurr@courts.state.in.us)

### PRIME SKILL BUILDING Workshops

June 26 & 27  
October 9 & 10

### DRUG COURT AD HOC COMMITTEE

Meetings  
To be determined

### GOVERNOR'S COMMISSION Conference

Many Voices/One Vision  
July 30 - Aug 1



### STAFF ORIENTATION

August 6-8

### WORKSHOP for Program Directors, Drug Court Coordinators & Judges

August-22 (information to follow)

### CADPAC Meetings

September 20  
November 15

### PRI INITIAL TRAINING Session

October 21-25

### IADCP Meetings

Fourth Friday each Month 1-3 p.m.  
City/County Bldg. Room 224  
Indianapolis, IN.

### ICCADS Meetings

Second Friday each Month 10-12 a.m.  
Indiana Government Center  
Indianapolis, IN.  
Contact Bernie Burns, Vigo County

INDIANA JUDICIAL CENTER – Court Alcohol and Drug Program

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